

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

DX/DY VOICE PROCESSING, INC.,
an Arizona corporation,

Plaintiff,

v.

TELIGENCE CORPORATION, a
British Columbia corporation;
TELIGENCE (CANADA) LTD., a
British Columbia corporation;
TELIGENCE (US), INC., a
Nevada corporation; TELIGENCE
HOLDINGS INC., a Nevada
corporation; ROBERT J.
MADIGAN, a citizen of Canada;
JOHN MADIGAN, a citizen of
Canada; FIRST MEDIA GROUP,
INC., a Canadian corporation;
FIRST MEDIA GROUP LLC, a
Delaware corporation; and
JOHN DOES 1-100;

Defendants.

NO. CV-07-059-EFS

**ORDER GRANTING STIPULATED
MOTION FOR LEAVE TO FILE
SECOND AMENDED COMPLAINT FOR
PATENT INFRINGEMENT**

Before the Court, without oral argument, is the parties' Stipulated Motion for Leave to File Second Amended Complaint for Patent Infringement. (Ct. Rec. 80.) A motion to amend a complaint is governed by Rule 15(a) of the Federal Rules of Civil Procedure, which provides:

1 A party may amend the party's pleading once as a matter of
2 course at any time before a responsive pleading is served or,
3 if the pleading is one to which no responsive pleading is
4 permitted and the action has not been placed upon the trial
5 calendar, the party may so amend it at any time within 20 days
6 after it is served. Otherwise a party may amend the party's
7 pleading only by leave of court or by written consent of the
8 adverse party; and leave shall be freely given when justice so
9 requires.

10 FED. R. CIV. P. 15(a). While the decision to grant or deny a motion to
11 amend is within the discretion of the district court, "Rule 15(a)
12 declares that leave to amend 'shall be freely given when justice so
13 requires'; this mandate is to be heeded." *Forman v. Davis*, 371 U.S. 178
14 (1962) (citations omitted); see *Morongo Band of Mission Indians v. Rose*,
15 893 F.2d 1074, 1079 (9th Cir. 1990) (stating that leave to amend is
16 generally allowed with "extraordinary liberality").

17 Based on the parties' stipulation, the Court finds good cause to
18 allow Plaintiff to file its Second Amended Complaint. Accordingly, **IT**
19 **IS HEREBY ORDERED:** The parties' Stipulated Motion for Leave to File
20 Second Amended Complaint for Patent Infringement (**Ct. Rec. 80**) is
21 **GRANTED.** Plaintiff is directed to file its Second Amended Complaint.

22 **IT IS SO ORDERED.** The District Court Executive is directed to enter
23 this Order and to provide copies to counsel.

24 **DATED** this 6th day of November 2007.

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S/ Edward F. Shea
EDWARD F. SHEA
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